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Report to the Deputy Attorney General on the Events at Waco, Texas

February 28 to April 19, 1993

III. THE FBI'S MANAGEMENT OF THE STANDOFF AT MT. CARMEL

A. Introduction

The FBI's investigative and operating procedures include a Crisis Management Program (CMP), which involves a process of identifying, acquiring and planning the use of resources needed to anticipate, prevent or resolve a crisis. The stated objectives of the FBI's CMP are to preserve life, and to enforce the laws over which the FBI has jurisdiction. In keeping with those objectives, the guiding principle in negotiation and tactical employment is to minimize the risks to all persons involved: hostages, bystanders, subjects, and law enforcement officers.

Once marshaled, the applicable resources are formed into a Crisis Management Team. The components of a Crisis Management Team may include managers, negotiators, tacticians (SWAT, HRT), investigators, the Special Operations Group (SOG), technical and support services, legal assistance, and media representatives. The crisis management, negotiation, and SWAT programs are coordinated at the FBI Headquarters level by a program manager working in the Special Operations and Research Unit (SOARU) of the Training Division.⁽⁹⁾

The crisis management team established in Waco was headed by an on-site commander, Special Agent-in-Charge (SAC) Jeffrey Jamar from the FBI's San Antonio Division. It is FBI policy that the SAC in the Division where the incident occurs will be the on-site commander, absent exceptional circumstances requiring FBI Headquarters to assign a commander from outside the local Division. As the commander, SAC Jamar was responsible for the overall resolution of the standoff, and for preventing any further loss of life, if at all possible.

All the components of the Crisis Management Team reported directly to SAC Jamar. However, because of the necessarily ad hoc arrangement of the team for that particular crisis, each component had its own supervisory personnel who, in addition to reporting to SAC Jamar, also coordinated their activities with FBI supervisory personnel at FBI Headquarters in Washington, D.C., and at Quantico, Virginia. The two major components of the team at Waco were the negotiators and the tactical personnel, including HRT and various SWAT teams. SAC Jamar was responsible for developing the overall strategy in coordination with the negotiators and tactical personnel, while ensuring that the activities of the other components advanced and supported the overall strategy.

SAC Jamar, as on-site commander, reported directly to Larry Potts, Assistant FBI Director (AD) for Criminal Investigations at FBI Headquarters in Washington, D.C. Assisting AD Potts were his deputy and several other supervisory personnel. During the standoff, Assistant Director Potts reported to Associate Deputy Director Douglas Gow, Deputy Director Floyd I. Clarke, and Director William S. Sessions.

FBI Headquarters assigned additional SACs to the scene to assist SAC Jamar. They were Robert Ricks of the Oklahoma City Division, Richard Schwein of the El Paso Division, and Richard Swensen of the New Orleans Division.⁽¹⁰⁾ All SACs worked in the FBI's command post.⁽¹¹⁾ Jamar and his cadre of SACs worked closely throughout the standoff to manage and coordinate the activities of all FBI components deployed at Waco.

The duties and responsibilities of SAC Ricks, who arrived in Waco on February 28, were to support SAC Jamar. Ricks' main responsibility was to handle the press briefings and to work with the negotiation teams. Before each press briefing, Ricks would meet with the team to determine what it was trying to accomplish with the Branch Davidians inside the compound. The press briefings were then used to inform the public of developments in Waco and to attempt to influence the negotiations to the extent possible.

SAC Swensen, who arrived in Waco the evening of February 28, worked the 10:00 p.m. to 10:00 a.m. shift until SAC Schwein arrived, at which point Swensen assumed the 4:00 p.m. to midnight shift. Swensen performed different tasks during the Waco standoff, including collecting information about the capabilities of military vehicles⁽¹²⁾ and preparing information for the plan to insert CS gas. SAC Schwein arrived in Waco on approximately March 15 to assist the other three SACs currently there. He manned the midnight to 8:00 a.m. shift.

B. The FBI's Strategy for Handling the Standoff

SAC Jamar's duty was to determine the overall strategy for responding to and resolving the standoff. Former Deputy Assistant Director (now Baltimore SAC) Danny Coulson has noted that SAC Jamar's task was fraught with difficulties from the outset, because the FBI had been brought to Waco to "salvage a failed tactical effort." According to Coulson, the FBI had entered the operation "backwards," after a violent encounter had already occurred resulting in death and serious injury to both law enforcement agents and Branch Davidians. There was no opportunity to develop beforehand intelligence and sources of information that might have brought a quick, peaceful resolution of the matter. Moreover, emotions were running high on both ends because of the casualties suffered by each side. The FBI thus found itself in the difficult position of having to mobilize tremendous amounts of resources at the same time it was attempting to stabilize a very volatile situation without the benefit of prior planning.⁽¹³⁾

The FBI's initial strategy focused on stabilizing the crisis situation, establishing a dialogue with Koresh and his followers, and gathering intelligence that might offer some insight into the motivations and intentions of Koresh and his sect. The immediate tactical responsibilities of the FBI were to establish both an interior perimeter to prevent the escape of those inside the compound as well as exterior perimeters to maintain the safety of the media and others

present at the site and to prevent Koresh's supporters or other individuals from entering the proximity of the compound. In addition, efforts were undertaken both at FBI Headquarters and by SAC Jamar to establish an ongoing dialogue and coordination with ATF leadership both in Washington, D.C., and in Waco, Texas.

Beyond that, there were long-term concerns for the safety of the children within the compound, and for some of the adults who, it was suspected, were being held against their will. Accordingly, the FBI's overall strategy was to seek a negotiated settlement, to shrink the perimeter gradually, to deny the Branch Davidians creature comforts in an effort to secure their surrender and departure from the compound, and to resort to deadly force or conduct an assault only as a last resort.⁽¹⁴⁾

C. The Role of FBI Headquarters in the Standoff

The following Headquarters' officials played significant roles in the FBI's decision-making in the Waco matter: former Director William S. Sessions; Deputy Director (DD) Floyd I. Clarke; and Associate Deputy Director for Investigations (ADD-I) Douglas Gow. Assistant Director (AD) Larry A. Potts of the Criminal Investigative Division (CID) was responsible for the day-to-day oversight at headquarters and for communicating regularly with SAC Jamar. AD Potts' principal assistants were Danny O. Coulson, the then Deputy Assistant Director (DAD) of CID, and E. Michael Kahoe, Section Chief of CID's Violent Crimes and Major Offenders Section (VCMOS).⁽¹⁵⁾

Although Director Sessions was in overall charge of the operation, he shared decisions on the major issues -- tactics, resources, and command and control -- with DD Clarke and ADD-I Gow. Sessions, Clarke, and Gow were briefed on these issues by AD Potts, DAD Coulson and Section Chief Kahoe.⁽¹⁶⁾

One of the first decisions these officials made concerned the FBI's assuming command and control of the crisis situation from ATF. ATF headquarters officials notified FBI headquarters of the shooting at Waco on February 28, the day the shoot-out occurred. Following a series of briefings and meetings, Ronald K. Noble, Assistant Secretary for Enforcement, Department of the Treasury (designee), contacted DD Clarke to discuss the possibility of assistance from the FBI's Hostage Rescue Team (HRT). After discussing with Clarke the proposed command structure should the FBI assume control of the crisis with HRT involvement, Noble said he would confer with Treasury officials on the arrangement and would then speak with AD Potts.

ATF Deputy Director Dan Hartnett also expressed concerns to AD Potts about placing the FBI in command of the Waco situation. Potts informed Hartnett that HRT would not be fully deployed unless an FBI SAC assumed on-site control, which would in turn mean placing FBI negotiators and other support personnel on the scene under FBI control. Potts agreed, however, to send an advance unit of the HRT to Waco to survey the situation. Later, Acting Attorney General Stuart Gerson (a Bush Administration holdover who filled in until Janet Reno's swearing in on March 12, 1993) contacted Mr. Potts, who explained to Gerson the makeup of HRT and the need for total FBI command if the HRT were fully deployed.

Gerson fully supported the FBI's position. on March 1, Treasury and ATF officials formally requested that the FBI become the lead agency in Waco.

FBI headquarters officials also played a role in the formulation, during the first week of the standoff, of an emergency assault plan for use by the FBI in the case of homicide (or combined homicide-suicide) in the compound. It was generally agreed that if an emergency response was warranted, the FBI would use armored vehicles to punch holes and insert gas into the building. This action, it was hoped, would create a diversion and provide additional avenues of escape for those inside the compound who wanted to leave. It was also part of the plan that no HRT member would approach the building on foot due to the extraordinary firepower believed to be in the possession of Koresh and his followers. Director Sessions believed it was essential for the FBI to be "in control of its own fate" and to ensure the safety of its own agents' lives. A major concern in everyone's opinion was the need to avoid being drawn into a situation, or taking any action, which would escalate unnecessarily. To DD Clarke, it was important at the same time to convey to the Davidians the FBI's commitment to a peaceful resolution and intent to remain in Waco until that objective was achieved.

Another major role for FBI Headquarters' personnel included contacting various U.S. military components regarding the transportation of agent and support personnel, and obtaining data about the effective range of assorted weapons. The FBI also sought technical information about certain military vehicles. According to DD Clarke, there was concern and uncertainty as to the types of weapons inside the compound, particularly in view of the reported presence of .50 caliber rifles capable of penetrating any tactical vehicle in the FBI's inventory. As a result of these concerns, the FBI requested Bradley fighting vehicles from the U.S. Army. Nine of these -- without barrels, pursuant to an agreement between the FBI and the Army to avoid posse comitatus prohibitions -- were ultimately provided.

When the Bradleys arrived and were positioned around the compound, Koresh advised that he had weapons that could "blow them 40 to 50 feet in the air." The FBI then sought and obtained from the Army two Abrams (M1A1) tanks and five M728 Combat Engineer vehicles (CEVs), to give FBI personnel adequate protection from the .50 caliber rifles and other, more powerful weapons the Davidians might have. [\(17\)](#)

Finally, FBI Headquarters' officials served as advisors to the Justice Department, particularly in the latter stages of the standoff as the plan for the insertion of gas was developed. The FBI ensured the flow of information from the Bureau and the SIOC to Acting Attorney General Gerson and later Attorney General Reno, and to other departmental officials, including members of the Criminal Division's Violent Crimes and Terrorism Section.

D. The Negotiations

1. Organization of the Negotiation Teams

In all, 25 negotiators were assigned to the negotiation team during the Waco standoff. The overall negotiation effort was coordinated by FBI Quantico SSAS Gary Noesner (from February 28 to March 25) and Clinton R. Van Zandt (from March 23 to April 20). [\(18\)](#)

SSRA James M. Botting, a member of the FBI's Critical Incident Negotiation Team (CINT), [\(19\)](#) acted as the night negotiation team coordinator from March 1 to March 15.

There were two negotiation "cells" on the team, one for the 6:00 a.m. to 6:00 p.m. shift, and one for the 6:00 p.m. to 6:00 a.m. shift. Later in the standoff, the number of cells was increased to three, with eight-hour shifts. The negotiation cell for each shift consisted of the following positions: a team leader, a primary negotiator, a secondary negotiator, a scribe historian, and a situation report (SITREP) preparer. The team leader -- an FBI agent serving as the primary point-of-contact between the negotiators and SAC Jamar and other decision-makers in the command post -- was responsible for advising the command module of all items of significance gleaned from the negotiation process. Additionally, the team leader was charged with working in concert with the overall negotiation commander. The primary negotiator -- a position variously assumed by members of the FBI, ATF, and Austin Police Department (APD) -- conducted the live telephonic negotiations and discussions with individuals inside the compound. The secondary negotiator and coach, an FBI agent, was responsible for assisting the primary negotiator in developing and executing a negotiation strategy. The scribe historian, from the FBI and the APD, maintained the hostage negotiation log and the chain of custody for the audiotapes of the negotiations. Finally, the SITREP preparer -- a post filled by representatives of the FBI, ATF and APD -- maintained a record of all significant issues and developments during the process. All negotiations were conducted in a separate negotiations room in the main command post. At any given time there could also be present two observers from the FBI's Behavioral Science Unit, and two to three observers from ATF and the McLennan County, Texas Police Department.

2. Negotiation Strategy

According to Director Sessions, on March 1, he and President Clinton discussed the Bureau's proposed strategy for handling the crisis. Sessions described it as a "waiting" strategy, whereby the FBI would negotiate, watch and contain. [\(20\)](#) Not long after this discussion, Acting Attorney General Gerson advised Sessions that the President had approved the proposed strategy and had asked to be advised of any change to it.

The negotiators' goal was to prevent further loss of life. They used their communication line to advise various people inside the compound of the "Rules of Safety," to caution them about unauthorized activity, or both.

3. Significant Negotiation Events During the Standoff

a) Early Negotiations: February 28 - March 5

The McLennan County Sheriff's Department was the first agency to establish contact with the Branch Davidians during the shootout, when it spoke with Wayne Martin, who had called from inside the compound on the department's "911" line. SSRA Byron Sage of the FBI's Austin Resident Agency arrived at the sheriff's office shortly after the shootings and was asked by Cavanaugh to maintain the conversation with Martin. Meanwhile, ATF ASAC James Cavanaugh, who was inside a residence adjacent to the sect's compound during the

ATF raid, also established contact with those inside the compound. Shortly after the firefight began on February 28, Cavanaugh used a cellular telephone to contact Koresh and negotiate a cease-fire so that ATF could evacuate its dead and wounded. After the evacuation, negotiations were put on hold until Cavanaugh could withdraw to the ATF command post and ATF agents could assess the situation.

For the remainder of the day, ASAC Cavanaugh, FBI Special Agent James Fossum, and members of the Austin Police Department negotiation team communicated with the compound via telephone from the ATF command post. Ultimately, four children were released on the 28th.

On Monday, March 1, FBI hostage negotiator SSA Gary Noesner arrived in Waco and began to work with ASAC Cavanaugh. Early that afternoon, Noesner took over direct negotiations, and the negotiation site was relocated to the recently established FBI command post. Ten more children were released that day. On March 2, Cavanaugh returned and functioned as the primary day negotiator through March 5; FBI Special Agent Henry Garcia functioned as the primary night negotiator. Seven more children and two elderly women were released between March 2 and March 6.

b) Negotiation Team Themes

On March 5, the Hostage Negotiation Team listed several "themes" for its negotiation efforts, which are summarized below.

The first theme was to appeal to the parents inside to join their released children by sending photographs and videotapes of the children into the compound, passing messages from the children to their parents and vice versa, and demonstrating that the children needed the parents, missed them and awaited their reunion. The second theme involved continued reassurance to all those inside the compound that they would not be harmed and would be treated fairly if they came out. The next theme was to use twice daily FBI press conferences to accentuate the positive reasons for the individuals to come out, to demonstrate concern for their safety, to clarify press distortions or inaccurate speculation about persons inside the compound, and to use psychology to get the Davidians to doubt Koresh's leadership. In this regard, the negotiators also attempted to "drive a wedge" between Koresh and Steve Schneider, his second-in-command. The negotiators constantly urged Schneider to take charge and to bring the people out. Finally, the last theme was to pursue discussions aimed at providing Koresh with an incentive to come out, including discussing and implying weaknesses in a prosecution of Koresh, and pointing out to Koresh the opportunity to expand his following and promote his views through book and movie deals.

c) Negotiations From March 6 to 13

In a memorandum to negotiations coordinator Botting dated March 6-7, 1993, FBI agents Stephen Mardigian and James Duffy outlined a multi-prong negotiation strategy discussed with the on-site negotiators and with DAD Coulson and SAC Jamar. First, the negotiators proposed continuing efforts to drive a wedge between Koresh and his followers by playing on the emotional bond between parents still inside the compound and their released children.

One idea along this line was to videotape the children at play and send the tape into the compound. Another suggestion was to allow the children to communicate with their parents through short notes or drawings with written messages about how much they missed their parents.

A second part of the strategy involved efforts to gain direct intelligence of ongoing activities inside the compound. One suggestion was to offer Koresh a video camcorder. The videotape camera could be used to: (1) give Koresh a means to communicate his religious messages or other statements in return for which negotiators could request the release of children or others inside the compound; (2) give Koresh a way to display his injuries from the February 28 conflict to prove that he was injured; and, (3) to show the released children that their parents inside were doing well.

Additionally, Mardigian and Duffy recommended contacting Branch Davidian Wayne Martin's parents to request their assistance in making a "media plea" to their son and grandchildren inside the compound. Finally, Mardigian and Duffy recommended that the negotiators raise with those inside the compound the possibility of allowing them an opportunity to 'break and run' via a recommended escape route.

On or about March 6, Director Sessions called Gary Coker, Esq., a private practitioner in Waco, to discuss the possibility of Coker acting as a negotiator with Koresh. Sessions explained he decided on his own to contact Coker because, as he said, no one seemed to have the "key to Koresh." Sessions said that in his discussions with Coker, Coker said that he had represented Koresh previously (as Vernon Howell), that he was currently representing one of the first women to leave the compound, and that he would walk into the compound to "pave the way."

Director Sessions recalled that Coker was confident that Koresh was remorseful. Coker told Sessions that Koresh had come from a broken home, and described Koresh as egotistical, messianic, and craving attention. He said that Koresh needed to exert "strong control," and that the Branch Davidians did whatever Koresh told them to do. Sessions further recalled Coker saying that Koresh feared going to prison. Sessions noted that Koresh had been acquitted in the earlier shooting case involving George Roden. He and Coker agreed it would be helpful if someone -- perhaps Branch Davidian Wayne Martin, a lawyer -- discussed the fairness issue with Koresh. The conversation ended with Coker offering to speak by telephone with Koresh and to introduce Koresh to the Director.

Sessions conveyed Coker's offer of assistance to Assistant Director Potts, who in turn discussed the offer with SAC Jamar. Jamar had already met with Coker to discuss his possible assistance; however, Jamar believed that Coker was only interested in obtaining Koresh as a client. Therefore, Potts and Jamar were opposed to the idea of using Coker to negotiate with Koresh, as was Deputy Director Clarke. Potts and Clarke advised Sessions against the idea. Clarke thought that Coker's participation in the negotiations would inject the FBI Director into the operational process and possibly impair needed objectivity. He also thought Koresh might use Coker as a platform to disseminate his interpretation of the "Seven Seals."

On March 12, the first young adults -- Kathy Schroeder and Oliver Gyarfas -- exited the compound. When they called back into the compound, the FBI recorded and later broadcast those conversations over the P.A. system to those inside.

d) Negotiations From March 14 to 22

Despite the FBI's attempt to emphasize (with the concurrence of ATF) that it was different from ATF, Koresh, Schneider, and Martin seemed reluctant to believe anything told to them by any agents of the federal government. However, since they had stated that they respected Sheriff Jack Harwell of the McLennan County Sheriff's Office, the negotiators decided on March 13 to inject Harwell into the negotiations. In a departure from conventional negotiation doctrine, SAC Jamar approved a face-to-face meeting on March 15 between SSRA Sage and Sheriff Harwell, and Schneider and Martin.

The meeting was held on a driveway about 50 yards from the building and lasted about an hour. Sage described it as "very tense" and -- because it was raining "very uncomfortable." Nonetheless, Sage believed that they made significant inroads. After defusing some of the issues Martin had raised about the legality of the search warrant, Harwell was able to pry Martin away from the other two, leaving Sage an opportunity to concentrate on Schneider.

A rapport was established, particularly with Schneider, and a second face-to-face meeting was scheduled for March 17. On the 17th, Sage and Harwell went to the forward command post and telephoned the compound to confirm with Schneider the time of the second meeting. Schneider said that he was reluctant to come out. When it became evident that Koresh was in the background telling Schneider what to say, Sage asked to talk to Koresh. Koresh got on the phone and informed Sage that he had decided against the second face-to-face meeting. Sage concluded from this incident that Schneider had been thrust into a position he was not capable of filling -- being Koresh's lieutenant, and that Koresh probably lacked confidence in Schneider.

SSRA Sage described a subsequent conversation he had with David Koresh that day -- termed the "dutch uncle conversation" by SAC Jamar -- as reflecting a distinct change in the negotiation strategy. The conversation began with Koresh telling Sage that he (Koresh) did not hold Sage accountable for his ignorance of the Bible and the Seven Seals. Sage replied that although Koresh had told the FBI from the outset that Koresh would come out if the Bureau could unlock the Seven Seals, this was "garbage." Sage said that he had read from the same book as Koresh and he knew that the only one who could unlock the seals was the Lamb of God. Finally, Sage told Koresh that he was confident of his salvation and that Koresh was in no position to judge him. [\(21\)](#)

SAC Jamar suggested, and SSRA Sage agreed, that this conversation should be broadcast to those inside the compound. This was one of many times the loudspeaker system was used to communicate with those inside the complex. In addition to the "dutch uncle conversation," two of Sheriff Harwell's conversations with Koresh and Schneider were aired. For the most part, the loudspeakers were used to communicate information directly to the compound's residents, rather than indirectly through Koresh or Schneider. Sage did most of the

announcing. Those broadcasts were intended to keep everyone in the compound well-informed, as the FBI suspected that Koresh was restricting information to a small core of insiders.

According to Sage, the negotiators had requested a library of recordings of different sounds to be broadcast for purposes of sleep deprivation. However, the tapes of the Tibetan monk chants, which Sage had found personally offensive, had come directly from SAC Schwein. These chants were played because they were annoying, and not because of any religious significance.

When Koresh announced his cancellation of the second face-to-face meeting on March 17, SAC Jamar decided that it was time to increase the pressure. Sage thought that Jamar was correct in this conclusion because Koresh's sole objective was to delay; Koresh obviously did not want to come out and lose all he had gained up to that point. The agents regarded him as an obstructionist bent on avoiding a resolution. Their ideas were to: 1) demonstrate the authority of law enforcement, and 2) fine-tune the assessment of who they were dealing with -- a delusional religious zealot with a messianic complex, or a con man.

On March 22, 1993, SAC Jamar provided Koresh with a letter Offering certain reassurances regarding contacts with his followers while incarcerated and the opportunity to appear on a television talk show. In return for these assurances, Koresh and his followers had to leave the compound during a specified period of time the following morning. Although Schneider seemed receptive to the offer, Koresh rejected it. Following this rejection, the FBI assessed how it "could be used against Koresh" and came up with the following suggestions. First, the contents of the letter should be broadcast several times to the occupants of the compound through loudspeakers so that they would be aware of the offer. Next, the letter should be made available to the press to demonstrate how the FBI was making every attempt to resolve the crisis. Finally, in discussions with Koresh or Schneider, the negotiators could emphasize that Koresh had rejected what he had specifically requested earlier, that the rejection was counterproductive, and that Koresh was not negotiating in the same honest, straightforward manner as the FBI.

4. The Negotiators' Conclusions

In a communication dated March 22, 1993, the negotiators set out a proposal "designed to incrementally escalate stress within the compound to bring [the] standoff to an orderly and positive resolution." Although 34 individuals had departed from the compound after 23 days of discussions, the negotiators had no clear indication that large numbers of those remaining inside would depart any time soon. Notwithstanding what it described as "encouraging comments" about forthcoming departures, the negotiating team observed that Schneider and Koresh had continued to resist all efforts by the negotiators to obtain specific names, numbers or time frames for any departure. (See appendix C for a list of various demands made by the Davidians through April 9, 1993, and the FBI's responses to them.)

The negotiation team was careful to point out its belief that while a fairly quick resolution of the standoff seemed unlikely, the prospect of an eventual peaceful resolution remained good. This opinion was based on three factors: the low suicide potential of individuals within the

compound; the lack of direct threats, substantive demands or deadlines; and the absence of any additional violence. The negotiators described the attitudes of Schneider, Koresh and others in the compound during the negotiations as having changed from generally unrepentant and defiant to verbally acquiescent and hesitantly compliant. In their view, the standoff left the Branch Davidians with an increased sense of hopelessness and isolation. Although Koresh and Schneider had stated in recent conversations a willingness on everyone's part to come out, the problem was the pace of the surrender.

The negotiators thought that Koresh, while somewhat compliant, remained manipulative and continued to try to control the situation. It was the team's opinion that, absent any medical deterioration, Koresh would continue to stall as long as possible, conceding only what he absolutely had to. Moreover, Koresh's followers remained loyal to him despite the feelings of loneliness, isolation, and insecurity present among those in the in the compound.

The particulars of the negotiation team's "stress escalation" proposal included the use of public broadcasts to communicate to those in the compound that the FBI's patience was not endless, that the time had come for all individuals to leave the compound, that repeated efforts by the FBI to resolve the incident had fallen on deaf ears, and that the FBI hoped to resolve the matter without violence. Next, the negotiation team proposed broadcasting a warning that all vehicles parked in front of the compound would be removed if the Branch Davidians did not vacate the premises by a stated deadline. Failing a positive response from the Branch Davidians to these actions, the negotiators recommended that an announcement be made advising that tear gas would be introduced as a non-lethal means of clearing the compound.

5. Differences in opinions Within The Crisis Management Team

As noted above, it was the FBI's overall strategy to negotiate a peaceful exit from the compound, while also conducting certain tactical operations designed to tighten the perimeter around the compound, to demonstrate to those inside that Koresh was not in full control, to make the lives of those inside increasingly uncomfortable, and to provide greater safety for everyone involved. Ideally, when carefully coordinated by the on-site commander, these two approaches work in tandem to bring a successful resolution to a situation. The tactical operations advance the goals of the negotiators, while the negotiators both justify and facilitate the goals of the tactical personnel.

In the case of Waco, the negotiators felt that the negotiating and tactical components of the FBI's strategy were more often contradictory than complementary. The negotiators' goal was to establish a rapport with the Branch Davidians in order to win their trust. As part of this effort, negotiators emphasized to Branch Davidians the "dignity" and fair treatment the group would receive upon its exit from the compound. By contrast, the negotiators felt that the efforts of the tactical personnel were directed toward intimidation and harassment. In the negotiators' judgment, those aggressive tactics undermined their own attempts to gain Koresh's trust as a prelude to a peaceful surrender.

In particular, some of the negotiators objected to: (1) the loud music, noise, and chants used as "psychological warfare;" (2) the shut--off of electricity to the compound on March 12

shortly after two people exited the compound; and (3) the removal of automobiles from the compound on March 21 after seven people exited the compound. All of these actions were viewed by the negotiators as counter-productive to their efforts. The electricity shut-off and the removal of cars were seen as particularly unwarranted since these actions in effect "punished" Koresh for permitting the departure of compound members.

Finally, some of the negotiators lamented the absence of joint strategy sessions with the on-site commander and the tactical commander. According to these negotiators, the on-site commander and the tactical personnel were often impatient with their progress and failed to provide them with adequate information so that negotiators could coordinate their efforts with the efforts of the tactical team.

For their part, the tactical personnel reported that they were often unaware of the status of the negotiations or the details of conversations between the negotiators and those inside the compound. At one point, a false rumor had it that the negotiators had agreed to send steaks into the compound, and that hostage rescue personnel would have to risk their lives to deliver the steaks to the front door.

A more serious incident involved a .50 caliber weapon that tactical personnel had spotted in a window of the compound's main building. Although HRT personnel considered this a hostile act, they were comforted by the fact that they knew the precise location of this powerful weapon and could tailor their movements accordingly. However, the negotiators, believing that they were decreasing the danger, informed the Branch Davidians that the weapon had been spotted, and instructed them to move it immediately. When the weapon was moved shortly thereafter, the HRT personnel were distressed since they no longer knew where the weapon was aimed.

SAC Jamar was responsible for coordinating the activities of the tactical and negotiation teams. SAC Jamar said that he listened to all sides before making any final decisions, and that strategy sessions were held, albeit sometimes not with everyone present at the same time. SAC Jamar believes that all supervisors were given the necessary information, and is unaware of any failure in communication.

As to the specific concerns of the negotiators, SAC Jamar said that the electricity power was turned off on March 12 because he wanted those inside the compound to experience the same wet and cold night as the tactical personnel outside, and to prove to Koresh and the others inside that Koresh was not in total control. He does not think that this action had any long-lasting effects.

As to the irritating noises broadcast to the compound and the removal of vehicles, SAC Jamar said that these actions were intended to increase the pressure on the Branch Davidians and to undermine Koresh's control. SAC Jamar thought an increase in pressure was appropriate because of the deteriorating sanitary conditions inside the compound, the danger posed by individuals exiting the compound unannounced, and the overall continual danger to FBI personnel.

In the end, neither the negotiators nor the tacticians suggested that the April 19 fire could

have been avoided had their approach been followed to the exclusion of others. However, some of the negotiating personnel did believe that more Branch Davidians might have departed the compound had the pressure tactics been withheld. [\(22\)](#)

6. Meetings Between the Branch Davidians and Private Counsel

On March 29, after two private telephone conversations, Koresh met briefly with Richard DeGuerin, an attorney his mother had retained for him. The following day, DeGuerin again met with Koresh, from approximately 10:00 a.m. until noon, and from 2:00 until 6:00 p.m. Also on March 30, at 3:18 p.m., Steve Schneider spoke with his attorney, Jack Zimmerman, by telephone. DeGuerin returned to the compound on March 31st for approximately five hours. On April 1, both DeGuerin and Zimmerman were inside the compound for eight hours. Three days later, on April 4, they were back in for just over five hours.

SAC Jamar said there had been extensive conversations and some disagreement regarding Mr. DeGuerin's access to the compound. Because he thought that any effort to remove the Branch Davidians from the compound peaceably should be attempted, Jamar decided to let him in. Due to the attorney-client privilege, there was no court-authorized Title III monitoring of the conversations that occurred within. DeGuerin did not report anything of value to the FBI after his visits with Koresh and the Davidians. Likewise, Mr. Zimmerman, Schneider's attorney, did not produce any useful information. In SAC Jamar's view, subsequent monitoring of conversations inside the compound revealed that Koresh had used the attorneys to buy time and make it appear that he was interested in resolving the standoff.

In the opinion of SSA Noesner, who had already left Waco and returned to Quantico at the time the attorney meetings occurred, "the negotiators lost control" when the decision was made to let the lawyers into the compound. Noesner, however, would not have objected to a face-to-face meeting outside the compound between the attorneys and Koresh.

F. Hostage Rescue Team (HRT) and SWAT Teams

1. HRT

The FBI's Hostage Rescue Team is a dedicated 50-man counterterrorist unit with responsibility for high-threat tactical missions. It has been in existence for over ten years. The HRT's capabilities exceeds those of the FBI's SWAT teams. it possesses sophisticated armament including infra-red aiming devices, daytime and nighttime sniper capabilities, explosive and mechanical breaching abilities, and certain non-lethal weapons. Additionally, the unit is equipped with a sophisticated communications system that prevents monitoring by unauthorized persons.

The HRT has deployed in a number of high-threat tactical operations, both domestically and overseas. In addition to their training in tactical skills, HRT members receive training in maritime operations from the U.S. Navy Seals. HRT deploys with its own medical capabilities and other logistical support with assistance provided by military authorities. It is in a continuous standby mode, ready to respond to any crisis as directed by FBI Headquarters.

During the Waco crisis, the HRT was commanded by Assistant Special Agent-in-Charge Richard M. Rogers of the FBI's Washington Metropolitan Field Office. Rogers' responsibilities included tactical operations for the HRT and SWAT teams. on his arrival at the compound on February 28, and continuing over the next few days, a perimeter was established and snipers were positioned.⁽²³⁾ The tactical elements of the CMT maintained a 24-hour a day watch at the compound.

A concertina (razor wire) protective barrier was deployed around part of the compound to protect the FBI and other law enforcement personnel; prevent outsiders from gaining entrance to the site; and facilitate the surrenders through channeling of individuals leaving the compound to a controlled area. The HRT also viewed the wire barrier as an important means of restricting the movement of the Branch Davidians and providing a measure of control to law enforcement in the event that the Branch Davidians emerged en masse and attempted to engage law enforcement in a firefight. Finally, the wire barrier helped preserve the integrity of the crime scene.

During the standoff, the HRT observed a number of activities in the compound. These activities included "guard duty" by various individuals inside the building, establishment of shooting positions, the cutting of fire ports, and the emergence of Branch Davidians on numerous occasions to retrieve articles, dump waste, obtain water and other such activities.⁽²⁴⁾ The HRT also observed individuals pointing weapons through windows in the building. Rogers believed that Koresh and his followers posed a continuing danger to law enforcement and that they made no sincere effort to de-escalate a tense situation. He saw no indication that the Branch Davidians had any intention of surrendering.

2. HRT Tactics

HRT Commander Rogers and Deputy Assistant Director Coulson discussed a variety of traditional hostage rescue assault options and rejected each one. The Waco crisis posed numerous complications that together defied traditional assault methods. These included the loss of the element of surprise, the number and armament of the subjects, the tremendous size of the compound, the excellent visibility afforded the Branch Davidians by the building's construction, and the ability of persons inside the building to shoot bullets through the building's flimsy walls -- a factor preventing agents from taking up positions alongside the compound. Coulson and Rogers concluded that a direct assault on the compound would result in tremendous loss of life on both sides; Koresh had already demonstrated to deadly effect his willingness to direct firepower at federal officers. Neither a "Trojan Horse" approach nor an open-air assault was considered feasible. Although the HRT considered the children hostages, it did not discount the possibility that some of them could and would take up arms against the agents.

Coulson did not object to the use of noise to irritate the Branch Davidians and cause sleep deprivation. He explained that in standoff situations agents typically try to induce group dynamics that lead to decisions to surrender. As an example, the FBI used loudspeakers to broadcast to the residents tape recordings of its negotiations with Koresh in the hope that some in the group would decide on their own or with others to leave the compound

collectively or persuade Koresh to give up.

3. Special Weapons and Tactics (SWAT) Program

The SWAT Program is premised on the theory that a select group of highly motivated and well-conditioned volunteers, specially equipped and trained to function as a team, can greatly reduce the risks associated with unusually dangerous raids, arrests and rescues, and serve to increase the range of options available to the Special Agent-In-Charge.

Each FBI field office has a primary SWAT unit, the size of which varies from office to office depending on geographical area covered, population density, and the potential for violent crime within the FBI's jurisdiction. Additionally, eight technically advanced district teams are configured to provide technical and operational support to field offices within their geographic districts. Because the small teams in most offices are not sufficient to handle major or protracted crises, the field is divided into eight districts and 16 regions. Each district contains one to three regions, and each region contains from two to five offices. Any office facing a situation that requires a response exceeding its capability can call upon its region for reinforcement, not only from SWAT personnel but also from other crisis management assets.

Many of the SWAT team members assigned to Waco were firmly convinced that communication problems plagued the operation. Specifically, they complained about the poor flow of information from the decision-makers down to the tactical personnel. Another complaint concerned the lack of a clear and concise mission statement that could be understood by all HRT/SWAT personnel, especially as it related to a possible large-scale break-out from the compound by the Branch Davidians. One SWAT team member characterized as "not clear" the division of responsibility between the units if such a break-out occurred. Others thought that coordination between the HRT and SWAT was poor with respect to coverage of the forward positions, and that perimeter security was not sufficiently tight.

G. Technical Assistance

The Engineering Section of the FBI's Technical Service Division (TSD) includes a Crisis Response Team (CRT). The CRT consists of supervisory special agents and specialists in electronics and logistics. Representatives of CRT were assigned to Waco as part of its "major case" jurisdiction.⁽²⁵⁾ The following investigative support was provided by the CRT, other personnel from the TSD Engineering Section, and technically trained agents (TTAs) from the field: installation of telephone communications; [material redacted as required by statute]; set-up and maintenance of a video surveillance (CCTV) system on the compound; [material redacted as required by statute]; set-up and maintenance of the loudspeaker system; and [material redacted as required by statute]. Other support included testing of body and other concealed transmitters, and liaison with local telephone companies, representatives of the Federal Communications Commission and the complement of electronics technicians assigned to support the operation.

[Material redacted as required by statute.]

H. Security of the Perimeter Surrounding the Branch Davidian Compound

One of the FBI's major concerns during the standoff was to maintain the security of the perimeter around the compound. The HRT maintained the inner perimeter, the SWAT teams maintained an outer perimeter, and various agencies, mainly the Texas Highway Patrol, manned various checkpoints on the roads leading to the compound. The perimeters were established for the safety of law enforcement, as well as for the safety of those inside the compound. Individuals from the outside could possibly harm the agents, could get inside the compound and harm the individuals inside, or, through their unexpected presence, spark a gunfight between the agents and those inside. The longer the standoff lasted, the greater the possibility that one of these dangerous events might occur.

Indeed, on numerous occasions during the standoff, law enforcement agents had to contend with several threats to the security of the perimeter, including the following:

March 2 - The FBI received information that a radical organization was planning possible retaliation against the FBI because of the standoff at Waco.

March 8 - A doctor from Arizona traveled to Waco and threatened to enter the compound regardless of any efforts by law enforcement to stop him. The doctor claimed that he was the "messenger" that Koresh was awaiting.

March 13- The FBI learned that approximately twenty-seven individuals with extremist background had arrived in Waco at various times since March 1. The FBI became concerned that because of these individuals' support of Koresh, they might pose a threat, either individually or as a group, to law enforcement.

March 18- An attorney, Linda Thompson, threatened to enter the compound against the direct orders of the FBI. Thompson suggested that the news media would have a "field day" if the FBI shot an attorney attempting to enter the compound.

March 19- Two individuals were observed photographing all law enforcement officials entering into, and exiting from, one of the checkpoints at the compound's perimeter. When approached by agents, they fled.

March 24- Louis Alaniz sneaked through the perimeter and entered the compound.

March 25- An individual attempted to enter the compound to "debate the Seven Seals" with Koresh.

March 26- Jesse Amen breached the perimeter and entered the compound.

March 28- An individual was arrested well inside perimeter lines, while attempting to get near the compound.

April 4- Linda Thompson, the attorney who threatened to enter the compound on March 18, called for the "Unorganized Militia of the United States" to come to Waco with their (legal) weapons to demonstrate and show support for Koresh. Thompson, the self-styled adjutant

General of the Militia, called for hundreds of people to attend.

April 4- An individual was arrested attempting to break through a checkpoint.

Additionally, throughout the standoff, families and friends of those inside the compound appeared unannounced at checkpoints requesting to go inside. While those individuals turned out not to be security risks, the danger that a friend or relative might try to slip into the compound was always present.

Finally, as previously discussed, individuals inside the compound were exiting unannounced with ever-increasing frequency. These individuals, who were apparently testing the resolve and tactics of the FBI, only returned to the inside after being "flash-banged."

In the opinion of the FBI, both the inner and the outer perimeters were becoming more difficult to secure as the standoff continued.

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9. The SOARU provides training and research for all of the various components of crisis management and major case management within the FBI. It provides training in crisis management, crisis negotiations, major case management, special events management, special weapons and tactics (SWAT) , observer/sniper operations, and tactical air operations.

SOARU also provides logistical and advisory support to FBI field offices, assistance to FBI Headquarters and field offices in designing and implementing command-post and field-training exercises, monitoring and assessment of FBI field crisis management capability, liaison with other members of the crisis management "community," and administrative support to the FBI Academy.

10. According to AD Potts, the SACs assigned to Jamar were selected on the basis of location, talent, experience and general abilities. Potts considered them to be a good blend of managers who would counterbalance each other and provide FBI Headquarters with the type of input necessary to critical decision-making.

Several Assistant Special Agents-in-Charge (ASACs) were also detailed to Waco: Richard T. Lind of the Minneapolis Division, Manuel Marquez, Jr. of the San Antonio Division, and Thomas J. Murphy of the Denver Division.

11. Bureau policy states that some type of command post is necessary to coordinate the actions of multiple units, especially when the units are engaged in several activities or when the number of individuals involved in a crisis situation exceeds the span of control of the on-site commander. Two command posts were established at Waco: a forward command post used by the tactical units, and the main command post used by the commanders, behavioral scientists, and negotiators. The forward command post was located in a recreational vehicle near the Mt. Carmel compound. The rear

command post was located at a former air base near Waco.

12. After it was decided that the best protection for agents against the possible high-power weapons believed to be in the compound was the Abrams tank, Swensen contacted approximately eight generals one night in a prolonged effort to determine how to get the tanks to Waco. Swensen reported that he was ultimately told to invoke either Secretary of Defense Les Aspin's or General Colin Powell's name to "cut through the red tape."
13. Mr. Coulson noted that while Koresh's group was not the first heavily armed cult that the FBI had encountered, the Waco situation was unique in that an assault by law enforcement had preceded negotiations with heavily armed cult members who had planned for a confrontation. Coulson contrasted the Waco situation with a previous investigation by the FBI and ATF of a cult known as the Covenant, Sword and Arm of the Lord in Mountain Home, Arkansas. The overall strategy in that case was to isolate, contain, and negotiate, with a great deal of effort going into the intelligencegathering process. The subjects were armed with assault rifles, LAWS rockets, hand grenades, machine guns, and other sophisticated military equipment. Ultimately, all individuals surrendered peacefully.
14. Prior to final deployment of FBI resources, AD Potts, SAC Jamar and HRT Commander Richard Rogers agreed on rules of engagement for the crisis. These rules consisted of the FBI deadly force policy, which states that agents were not to use deadly force against any person except in self-defense or defense of another, or when they had reason to believe that they or another were in danger of death or grievous bodily harm.
15. Three CID unit chiefs, Gale R. Evans, Violent Crimes Unit, Anthony A. Betz, Domestic Terrorism Unit, and Patrick J. Foran, Safe Streets and Planning Unit, also assisted.
16. These briefings frequently took place in the FBI's Strategic Information Operations Center (SIOC) . The SIOC was established to provide emergency response and operational support to any FBI entity requiring assistance during both crisis and non-crisis situations through an analytic and support staff with access to an abundance of commercial, governmental and FBI databases.

AD Potts and Mr. Kahoe were the principal CID representatives in the SIOC from 6:00 a.m. until 6:00 p.m. daily. DAD Coulson was present from 4:00 p.m. to midnight each day.
17. The FBI also used a 17th tracked vehicle -- a M88 Tank Retrieval Vehicle. (For a complete list of military personnel and equipment present at the compound as of April 13, 1993, see appendix B)
18. Pursuant to FBI policy, the on-site commander appoints a negotiation coordinator responsible for devising negotiation tactics and procedures in support of the overall

strategy drawn up by the on-site commander. Tactics and procedures formulated by the coordinator are subject to the approval of the on-site commander. The negotiation commander acts as the commander of the negotiation team, and should also act as the team's representative and adviser to the command post.

19. The SOARU manages the CINT. The CINT is comprised of the FBI's most experienced negotiators who have a specialized investigative or foreign language capability. CINT members are afforded advanced training in negotiation and terrorism. The FBI considers the team to be a national resource; it is deployed at the direction of the FBIHQ through contact with SOARU.
20. According to Director Sessions, it was clear from the Bureau's past dealings with inmate uprisings at Bureau of Prisons facilities at Atlanta, Georgia and Oakdale, Louisiana, that the FBI's local commander should have a great deal of discretion in handling a particular situation. He said that he agreed with this approach as long as the "waiting" strategy was adhered to.
21. Sage said that after he had 'nailed Koresh to the wall' in this conversation, Koresh handed the phone to Steve Schneider, who was flabbergasted because he had never heard anyone talk to Koresh that way and get away with it. From then on, Koresh referred to Sage as "Mr. Byron."
22. Regarding the relationships between the various FBI components involved in the Waco standoff, Director sessions said that there is always a dynamic tension between the FBI Director and the Bureau's executive management, between executive management and the field, and between the field and the Director. He characterized the tension in Waco as healthy.
23. The snipers were positioned at two sites, "Sierra One" and "Sierra Two." A third sniper position, "Sierra Three," was later established and manned on an intermittent basis.
24. Rogers recalled that on one occasion an article was removed from one of the trucks in front of the compound which had been used by ATF to tow a trailer carrying ATF agents on February 28.
25. Ordinarily, a CRT representative deploys with the FBI Headquarters survey party to a crisis site.. A technical survey is conducted to determine operational manpower and equipment requirements. During the operation CRT manages the technical organization and reports to the on-site commander.

[Continue... IV. The Role of Experts During the Standoff ->](#)

